

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

RANDAY TOLIVER, #05307627

§

§ Civil Action No. 4:20-CV-495

v.

§ (Judge Scell/Judge Nowak)

WILL RAMSEY

§

§

## ORDER OF DISMISSAL

This case was referred to the United States Magistrate Judge, who issued a report and recommendation (Dkt. #12) concluding pursuant to 28 U.S.C. § 1915 that *pro se* Petitioner Randay Toliver's civil rights lawsuit against District Attorney Will Ramsey should be dismissed, specifically that Petitioner's claims against DA Ramsey in his official capacity be dismissed without prejudice and that Petitioner's claims against DA Ramsey in his individual capacity be dismissed with prejudice. On April 15, 2021, this case was transferred to the undersigned (Dkt. #13). Having received the report of the Magistrate Judge, having considered Petitioner's Objections (Dkt. #14), and having conducted a de novo review, the court is of the opinion that the Magistrate Judge's report should be adopted.

It is therefore **ORDERED** that *pro se* Petitioner Randay Toliver's civil rights lawsuit pursuant to 42 U.S.C. § 1983 against Defendant Will Ramsey is **DISMISSED** as set forth above.

All motions by either party not previously ruled on are hereby **DENIED**.

**IT IS SO ORDERED.**

**SIGNED this the 7th day of July, 2021.**

  
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RICHARD A. SCELL  
UNITED STATES DISTRICT JUDGE